

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NAJAY CUMMINGS,

Plaintiff,

-v.-

JOHN DOE OMH PROVER; JOHN
DOE/JANE DOE PSYCHIATRISTS; JOHN
DOE/JANE DOE PHARMACISTS,

Defendants.

23 Civ. 11184 (KPF)

VALENTIN ORDER

KATHERINE POLK FAILLA, District Judge:

Plaintiff Najay Cummings, who currently is incarcerated at Mid-State Correctional Facility, brings this action, *pro se*, under 42 U.S.C. § 1983, regarding events occurring at Rikers Island beginning in May 2019. (Dkt. #1). By order dated December 27, 2023, the Court granted Plaintiff's request to proceed *in forma pauperis* ("IFP"), that is, without prepayment of fees.¹ (Dkt. #4).

Under *Valentin v. Dinkins*, a *pro se* litigant is entitled to assistance from the district court in identifying a defendant. 121 F.3d 72, 76 (2d Cir. 1997). In the Complaint, Plaintiff appears to supply sufficient information to permit the New York City Department of Correction ("DOC") to identify the John and Jane Doe Defendants who were allegedly involved in prescribing him with certain medication in 2019. It is therefore ordered that the New York City Law Department, as the attorney for and agent of the DOC, must ascertain the

¹ Incarcerated litigants are not exempt from paying the full filing fee even when they have been granted permission to proceed *in forma pauperis*. See 28 U.S.C. § 1915(b)(1).

identities of each Doe Defendant whom Plaintiff seeks to sue and the address where each Defendant may be served.² The New York City Law Department must provide this information to Plaintiff and the Court within sixty days of the date of this Order.

Within thirty days of receiving this information, Plaintiff must file an amended complaint naming the Doe Defendants. The amended complaint will replace, not supplement, the original complaint. An amended complaint form that Plaintiff should complete is attached to this order. Once Plaintiff has filed an amended complaint, the Court will screen the amended complaint and, if necessary, issue an order directing the Clerk of Court to complete the USM-285 form with the addresses for the newly named defendants and deliver all documents necessary to effect service to the United States Marshals Service.

CONCLUSION

The Clerk of Court is directed to: (i) mail a copy of this Order and the Complaint to the New York City Law Department, 100 Church Street, New York, N.Y. 10007; and (ii) mail a copy of this Order, and an information package to Plaintiff at his address of record.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied

² If any Doe Defendant is a current or former DOC employee or official, the New York City Law Department should note in the response to this Order that an electronic request for a waiver of service can be made under the e-service agreement for cases involving DOC defendants, rather than by personal service at a DOC facility. If any Doe Defendant is not a current or former DOC employee or official, but otherwise works or worked at a DOC facility, the New York City Law Department must provide a residential address where the individual may be served.

for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: March 14, 2024
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Faila".

KATHERINE POLK FAILLA
United States District Judge